

July 1, 1943, ch. 184, 57 Stat. 338.
 June 27, 1942, ch. 452, 56 Stat. 451.
 July 1, 1941, ch. 271, 55 Stat. 529.
 June 12, 1940, ch. 333, 54 Stat. 334.
 July 15, 1939, ch. 281, 53 Stat. 1033.

TRANSFER OF FUNCTIONS

“Council of the District of Columbia” substituted in text for “District of Columbia Council” pursuant to section 401 of Pub. L. 93–198. District of Columbia Council, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, and replaced by Council of District of Columbia, as provided by section 401 of Pub. L. 93–198.

Previously, reference to the Board of Commissioners of the District of Columbia had been changed to the District of Columbia Council pursuant to section 402(300) of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, set out in the Appendix to Title 5, Government Organization and Employees, which transferred the regulatory and other functions of the Board of Commissioners relating to designating and reserving parking spaces for the use of members of the Congress under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorg. Plan No. 3 of 1967.

§§ 61 to 63. Omitted

CODIFICATION

Section 61, act Feb. 22, 1921, ch. 41 Stat. 1117, which related to jurisdiction and control of the Highway Bridge, was omitted as not having general applicability.

Section 62, act Feb. 28, 1923, ch. 148, 42 Stat. 1338, which related to jurisdiction and control of the Francis Scott Key Bridge, was omitted as not having general applicability.

Section 63, act June 7, 1924, ch. 302, 43 Stat. 550, which related to construction and repair of bridges over railway and canal right of ways in the District of Columbia, was omitted as not having general applicability.

§ 64. Jurisdiction over portion of B Street

The jurisdiction over that portion of B Street west of Virginia Avenue, under the control of the Commissioners of the District of Columbia prior to May 27, 1908, shall be under the Director of the National Park Service.

(May 27, 1908, ch. 200, 35 Stat. 356; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Ex. Ord. No. 6166 abolished Office of Public Buildings and Public Parks of National Capital and transferred functions thereof to Office of National Parks, Buildings and Reservations of Department of the Interior. Act Mar. 2, 1934, changed name of latter office to National Park Service.

Act May 27, 1908, transferred jurisdiction from Commissioners of District of Columbia to Chief of Engineers. Act Feb. 26, 1925, transferred functions of latter to Director of Public Buildings and Public Parks of National Capital.

§ 65. Omitted

CODIFICATION

Section, R.S. § 1813; act June 20, 1874, ch. 337, § 2, 18 Stat. 116, which related to limitation on contracts of the District of Columbia commissioners, was omitted as not having general applicability.

§ 66. Improper appropriation of streets

The Secretary of the Interior is directed to prevent the improper appropriation or occupation of any of the public streets, avenues, squares, or reservations in the city of Washington, belonging to the United States, and to reclaim the same if unlawfully appropriated; and particularly to prevent the erection of any permanent building upon any property reserved to or for the use of the United States, unless plainly authorized by act of Congress, and to report to Congress at the commencement of each session his proceedings in the premises, together with a full statement of all such property, and how, and by what authority, the same is occupied or claimed. Nothing herein contained shall be construed to interfere with the temporary and proper occupation of any portion of such property, by lawful authority, for the legitimate purposes of the United States.

(R.S. § 1818.)

CODIFICATION

R.S. § 1818 derived from Res. June 30, 1864, No. 56, 13 Stat. 412.

§ 67. Omitted

CODIFICATION

Section, acts Mar. 3, 1891, ch. 540, 26 Stat. 868; July 1, 1898, ch. 543, § 3, 30 Stat. 570; June 21, 1906, ch. 3506, 34 Stat. 385; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983, which related to permits for extensions of buildings beyond the building line, was omitted as not having general applicability.

§ 68. Buildings on reservations, parks, or public grounds

On and after August 24, 1912 there shall not be erected on any reservation, park, or public grounds, of the United States within the District of Columbia, any building or structure without express authority of Congress.

(Aug. 24, 1912, ch. 355, 37 Stat. 444.)

§§ 69, 70. Omitted

CODIFICATION

Section 69, act Aug. 5, 1882, ch. 389, 22 Stat. 243, which related to police powers of park watchmen in District of Columbia, was omitted as not having general applicability.

Section 70, act Apr. 28, 1902, ch. 594, 32 Stat. 152, which related to free medical attendance for park watchmen in the District of Columbia, was omitted as not having general applicability.

§ 71. Physical development of National Capital

(a) General purposes; findings

It is the purpose of sections 71 to 71i, 72, 73, and 74 of this title to secure comprehensive planning for the physical development of the National Capital and its environs; to provide for

the participation of the appropriate planning agencies of the environs in such planning; and to establish the agency and procedures requisite to the administration of the functions of the Federal and District of Columbia governments related to such planning. The Congress finds that the location of the seat of government in the District of Columbia has brought about the development of a metropolitan region extending well into adjoining territory in Maryland and Virginia; that effective comprehensive planning is necessary on a regional basis and of continuing importance to the Federal establishment; that the distribution of Federal installations throughout the region has been and will continue to be a major influence in determining the extent and character of development; that there is needed a central planning agency for the National Capital region to coordinate certain developmental activities of the many different agencies of the Federal and District Governments so that such activities may conform with general objectives; that there is an increasing mutuality of interest and responsibility between the various levels of government that calls for coordinate and unified policies in planning both Federal and local development in the interest of order and economy; that there are developmental problems of an interstate character, the planning of which requires collaboration between Federal, State, and local governments in the interest of equity and constructive action; and that the instrumentalities and procedures herein provided will aid in providing the Congress from time to time with information and advice requisite to legislation. The general objective of said sections is to enable appropriate agencies to plan for the development of the Federal establishment at the seat of government in a manner consistent with the nature and function of the National Capital and with due regard for the rights and prerogatives of the adjoining States and local governments to exercise control appropriate to their functions, and in a manner which will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development.

(b) Definitions

As used in sections 71 to 71i, 72, 73, and 74 of this title, (1) "region" or "National Capital region" means the District of Columbia; Montgomery and Prince Georges Counties in Maryland; Arlington, Fairfax, Loudoun, and Prince William Counties in Virginia; and all cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of said counties; (2) "environs" means the territory surrounding the District of Columbia included within the National Capital region; (3) "National Capital" means the District of Columbia and territory owned by the United States within the environs; and (4) "planning agency" means any city, county, bi-county, part-county, or regional planning agency authorized under State and local laws to make and adopt comprehensive plans whether or not its jurisdiction is exclusive or concurrent.

(June 6, 1924, ch. 270, §1, 43 Stat. 463; Feb. 26, 1925, ch. 339, §3, 43 Stat. 983; Apr. 30, 1926, ch. 198, 44 Stat. 374; May 24, 1928, ch. 726, 45 Stat. 726; Ex. Ord. No. 6166, §2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389; July 19, 1952, ch. 949, §1, 66 Stat. 781.)

AMENDMENTS

1952—Act July 19, 1952, restated the general purposes of sections 71 to 72, 73, and 74 of this title, and substituted entirely new provisions for former provisions relating to creation and duties of the "National Capital Park and Planning Commission" which have been superseded. See sections 71a to 71i of this title.

1928—Act May 24, 1928, provided that the Director of Public Buildings and Public Parks of the National Capital should be the executive and disbursing officer of said National Capital Park and Planning Commission.

1926—Act Apr. 30, 1926, amended section generally to establish and provide for a National Capital Park and Planning Commission, and abolished the Highway Commission which had been established by section 2 of act Mar. 2, 1893, ch. 197, 27 Stat. 533.

1925—Act Feb. 26, 1925, changed the name of the officer in charge of public buildings and grounds to the Director of Public Buildings and Public Parks of the National Capital.

SHORT TITLE OF 1952 AMENDMENT

Section 2 of act July 19, 1952, provided in part that: "Sections 1 and 2 of this Act [amending this section] may be cited as the 'National Capital Planning Act of 1952'."

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Ex. Ord. No. 6166, set out as a note under section 901 of Title 5, abolished Office of Public Buildings and Public Parks of National Capital and transferred functions thereof to Office of National Parks, Buildings and Reservations of Department of the Interior, and act Mar. 2, 1934, changed name of latter office to National Park Service.

Function of disbursement of moneys of United States by any agency except War Department, Navy Department, and Panama Canal, transferred to Treasury Department and, together with Office of Disbursing Clerk of that Department, consolidated in a Division of Disbursements, by section 4 of Ex. Ord. No. 6166 and Ex. Ord. No. 6728, May 29, 1934. Division of Disbursements consolidated in Fiscal Service by Reorg. Plan No. III of 1940, §1(a)(3), eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231, set out in the Appendix to Title 5. See section 306 of Title 31, Money and Finance.

STUDY COMMISSION TO INVESTIGATE AND STUDY SITES AND PLANS FOR FACILITIES AND SERVICES FOR VISITORS AND STUDENTS COMING TO WASHINGTON, D.C.

Pub. L. 89-790, Nov. 7, 1966, 80 Stat. 1424, created a Study Commission to make a full and complete investigation and study of sites and plans to provide facilities and services for visitors and students coming to the Nation's Capital. The Commission was directed to report the results of its study and investigation to Congress not later than Sept. 15, 1967.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71h, 71i, 72, 72a, 74 of this title.

§ 71a. Federal and District planning agencies in National Capital

(a)(1) National Capital Planning Commission; creation; central Federal agency; functions; excepted functions

The National Capital Planning Commission (hereinafter referred to as the "Commission") is created as the central Federal planning agency for the Federal Government in the National Capital, and to preserve the important historical and natural features thereof, except with respect to the United States Capitol buildings and grounds as defined in sections 193a and 193m of this title, and to any extension thereof or additions thereto, or to buildings and grounds under the care of the Architect of the Capitol.

(2) Mayor of District of Columbia; central local agency; functions; excepted functions; comprehensive plan for District; procedures for citizen participation and consultations with non-Federal agencies

The Mayor of the District of Columbia (hereinafter referred to as the "Mayor") shall be the central planning agency for the government of the District of Columbia (hereinafter referred to as the "District") in the National Capital. The Mayor shall be responsible for coordinating the planning activities of the District government and for preparing and implementing the District elements of the comprehensive plan for the National Capital, which may include land use elements, urban renewal and redevelopment elements, a multiyear program of public works for the District, and physical, social, economic, transportation, and population elements. The Mayor's planning responsibility shall not extend to Federal or international projects and developments in the District, as determined by the Commission, or to the United States Capitol buildings and grounds as defined in sections 193a and 193m of this title, or to any extension thereof or additions thereto, or to buildings and grounds under the care of the Architect of the Capitol. In carrying out his responsibility under this section, the Mayor shall establish procedures for citizen participation in the planning process, and for appropriate meaningful consultation with any State or local government or planning agency in the National Capital region affected by any aspect of a comprehensive plan (including amendments thereto) affecting or relating to the District.

(3) Comprehensive plan for District; functions of Mayor and Council respecting impact on Federal Establishment

The Mayor shall submit each District element of the comprehensive plan and any amendment thereto, to the Council for revision or modification, and adoption, by act, following public hearings. Following adoption and prior to implementation, the Council shall submit each such element or amendment to the Commission for review and comment with regard to the impact of such element or amendment on the interests or functions of the Federal Establishment in the National Capital.

(4) Certifications; incorporation and implementation; Council's action; joint publication of Federal activities elements and District elements; time limitation extension, authority of Council; joint establishment of procedures for consultations throughout planning process

(A) The Commission shall, within sixty days after receipt of such a District element of the comprehensive plan, or amendment thereto, from the Council, certify to the Council whether such element or amendment has a negative impact on the interests or functions of the Federal Establishment in the National Capital. If within such sixty days the Commission takes no action with respect to such element or amendment, such element or amendment shall be deemed to have no such negative impact, and such element or amendment shall be incorporated into the comprehensive plan for the National Capital and shall be implemented.

(B) If the Commission finds, within such sixty days, such negative impact, it shall certify its findings and recommendations with respect to such negative impact to the Council. Upon receipt of the Commission's findings and recommendations, the Council may—

(i) reject such findings and recommendations and resubmit such element or amendment, in a modified form, to the Commission for reconsideration; or

(ii) accept such findings and recommendations and modify such element or amendment accordingly.

If the Council accepts such findings and recommendations and modifies such element or amendment under clause (ii), the Council shall submit such element or amendment to the Commission for it to determine whether such modification has been made in accordance with the Commission's findings and recommendations. If, within thirty days after receipt of the modified element or amendment, the Commission takes no action with respect to such element or amendment, it shall be deemed to have been modified in accordance with such findings or recommendations, and shall be incorporated into the comprehensive plan for the National Capital and shall be implemented. If within such thirty days, the Commission again determines such element or amendment to have a negative impact on the functions or interests of the Federal Establishment in the National Capital such element or amendment shall not be implemented.

(C) If the Council rejects the findings and recommendations of the Commission and resubmits a modified element or amendment to it under clause (i), the Commission shall, within sixty days after receipt of such modified element or amendment from the Council, determine whether such modified element or amendment has a negative impact on the interests or functions of the Federal Establishment within the National Capital. If the Commission finds such negative impact it shall certify its findings (in sufficient detail that the Council can understand the basis of the objection of the Commission) and recommendations to the Council, and such element or amendment shall not be implemented. If the